

CERTIFICATE OF MAILING AND TRANSMISSION VIA FACSIMILE PURSUANT TO 37 C.F.R. §§1.8 AND 1.6(d)

I hereby certify that the following *Petition Under 37 C.F.R. 1.28* is being deposited as First Class Mail this date with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

2005 JAN 26 AM

Dated:

1-18-05

By:

*Siri Nicks*

Signature of Person Depositing as First Class Mail and Facsimile



IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE

-- PATENT --

Applicants:	Lindsay	Docket No.:	35708.0300
Appl. No.:	09/881,591	Group Art Unit:	3752
Filing Date:	June 14, 2001	Examiner:	Hook, J.
Title:	<b>HIGH PERFORMANCE COMPOSITE TUBULAR STRUCTURES</b>	Confirmation No.:	6405

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OFFICE OF PETITIONS

PETITION UNDER 37 C.F.R. 1.28

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Honorable Commissioner:

Under 37 C.F.R. 1.28, Vyatek Sports, Inc. ("Vyatek"), the owner by assignment of U.S. Patent No. 6,820,654, hereby pays the below-noted fees representing the difference between certain fees paid at a small entity rate and a corresponding large entity rate.

BACKGROUND

At no time has there been deceptive intent with respect to Vyatek's claims of small entity status. However, on March 1, 2003, Vyatek entered into a License Agreement with Wilson Sporting Goods; thus as of that date, Vyatek was no longer entitled to small entity status. Accordingly, Vyatek hereby submits the following fees:

01/27/2005 DALLEN 00000011 192814 09881591

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# FEES PAID

The fees which appear to be at issue are those paid after the effective date of the License Agreement, namely, those paid between March 1, 2003 to present. Those fees are detailed below and include a Missing Parts Response Declaration Surcharge paid on June 23, 2003 and two two-month extension fees, each paid on September 2, 2003 and March 26, 2004.

<u>Fee Type</u>	<u>Amount Actually Paid</u>	<u>Current Large Entity Fee</u>	<u>Difference</u>
2 month extension for Response to Restriction Requirement September 2, 2003	\$205	\$450	\$245
2 month extension Office Action Response March 26, 2004	\$205	\$450	\$245
Missing Parts Response Declaration Surcharge	\$65	\$130	\$65
Issue Fee October 8, 2004	\$665	\$1400	\$735
		<b>TOTAL</b>	<b>\$1290</b>

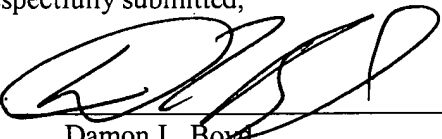
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OFFICE OF PETITIONS

Vyatek authorizes The Commissioner to charge \$1,290.00 to Deposit Account 19-2814, and/or any **deficiency** in the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 C.F.R. §§1.16-1.18 (**deficiency** only) now or hereafter relative to this Application and the resulting Official document under 37 C.F.R. §1.20, or credit any overpayment to Account No. 19-2814 for **which purpose a duplicate copy of this sheet is attached..** **This statement does not authorization for charge of the Issue Fee.**

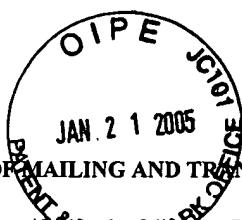
Date: 18 January 2005

Respectfully submitted,

By

  
Damon L. Boyd  
Reg. No. 44,552

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 East Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6337



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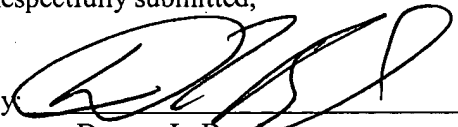
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